

Remarks

Claims 7-8 are pending and rejected under 35 U.S.C. 102(e) over U.S. Patent 5,742,667 (Smith). Before a discussion of specific claim language, a high-level distinction between the invention and Smith is described to facilitate a better understanding of claim 7.

Smith discloses a method of processing *only toll-free* calls. Smith does not describe any calls that are *not toll-free*. The problem that Smith solves is caused when the called party adds their own service charge to a *toll-free* call. For example, a caller may access America On-Line (AOL) over a toll-free call, but AOL may still charge the caller for AOL services provided over the toll-free call, such as charging for access to email or the Internet. The problem arises because many callers expect a toll-free call to be entirely free, and may not want to incur any charges on a toll-free call. The problem is especially severe with less professional services, such as phone sex operations, where the called party adds service charges to toll-free calls that may not be apparent to the callers. (See Smith, column 1, lines 13-60). To solve the problem, Smith discloses a system that warns callers when service charges will be incurred on toll-free calls. Thus, callers are not surprised by charges on toll-free calls, and the integrity of toll-free calling is maintained.

The invention claims steps for processing calls that are *not* toll-free, but Smith does *not* disclose call processing for calls that are *not* toll-free. Thus, Smith necessarily fails to disclose all steps in claim 7 as will be detailed below.

Claim 7 requires:

“prior to service discrimination, processing the called telephone number from the call set-up signaling to determine if the called telephone number is toll-free.”
(emphasis added)

The office action cites Smith column 3, lines 63-66 as disclosing the above step. This section of Smith states:

"The caller dials an 800 or other toll free number (action block 200). The network looks up the service parameters for the 800 number to determine if calling party service charges apply (action block 202)."

Note that the *first* network operation in Smith is to *look up service parameters for the called number*. In contrast, claim 7 clearly requires that the toll-free nature of the called number be determined "prior to service discrimination." Smith does not disclose the step of determining whether the call is toll-free or not. However, Smith does disclose that service discrimination occurs first.

Claim 7 requires:

"if the called telephone number is *not* toll-free, then checking the caller telephone number in a validation table to determine if the call should be allowed; if the call should be allowed based on the validation table, then processing the called telephone number to select a route for the call."
(emphasis added)

The office action cites Smith column 4, lines 20-51 as disclosing the above steps. This section of Smith clearly describes how to handle *toll-free* calls from special phones (i.e. pay phones), since the owner of the special phone is different from the caller using the special phone. For example, the owner of a pay phone at a gas station may not want to pay for phone sex charges incurred by customers using a toll-free number to access the phone sex operation from the gas station pay phone. The cited section of Smith applies to toll-free calls, but this section of Smith does *not* apply to calls that are *not* toll-free. Clearly, this section of Smith does not disclose any call processing that occurs "if the called telephone number is not toll-free" as is required by claim 7.

Claim 7 requires:

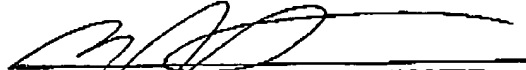
"if the called telephone number *is toll-free*, then processing the called telephone number to select the route for the call *without checking the caller telephone number in the validation table.*" (emphasis added)

The office action cites Smith column 4, lines 1-8 as disclosing the above step. This section of Smith, along with the rest of the paragraph, clearly disclose a system where the toll-free number is processed to determine if the called party (i.e. phone sex operator) will add charges to the call. If no charges will be added by the called party, then the caller is notified that the call is indeed free, and the toll-free call is subsequently handled in the "normal" manner. As is disclosed in present application, ***normal toll-free call processing*** includes the step of processing the caller number in a validation table to block calls from callers who do not pay their bills. (See the Application, page 23, line 23 to page 24, line 18). Smith does not disclose that this normal caller validation step is avoided -- as is required by claim 7 for toll-free calls.

Note that Smith does not pursue the above call processing (action blocks 204, 206 on figure 2) for all toll-free calls. Smith teaches screening the calling phone for a portion of toll free-calls if the called party will add charges to the calls (action block 210 on figure 2). ***Thus, the decision point for Smith is not whether the call is toll-free or not (as is claimed), but whether the called party will add their own charges to the toll-free call. Smith does not skip the step of screening the calling phone "if the call is toll-free", but rather, Smith skips the step of screening the calling phone if the called party does not add service charges to the call.***

The invention requires that calls be processed differently based on whether they are toll-free or not. In contrast, Smith discloses how toll-free calls are processed differently based on whether the called party will add their own charge to the toll-free call or not. As detailed above, the language of claim 7 can be readily distinguished from Smith. The rejection should be withdrawn.

Applicant respectfully requests allowance of claims 7-8.



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